

REMARKS

The August 3, 2007, Office Action rejected Claims 1-49 under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2003/0009687, issued to Ferchau (hereinafter Ferchau).

With this response, applicants respectfully request reconsideration and allowance of the pending claims. Prior to presenting the reasons why applicants believe that the pending claims are in condition for allowance, brief summaries of the present invention and the cited reference, Ferchau, are presented. However, it should be appreciated that the brief summaries are presented solely to assist the Examiner in recognizing the differences between the pending claims and the cited references, and should not be construed as limiting upon the present invention.

Examiner Interview

Applicants would like to thank Examiner Chow for her consideration for participating in an Examiner interview (by telephone) on November 19, 2007. The topic of discussion revolved around proposals to amend the claims, including incorporating subject matter to the effect of obtaining a "validation manifest **from the software provider of the software application** for validating the installation of the software application."

While no agreement was ultimately reached, applicants believe that the cite references fail to disclose the elements that are now incorporated into the independent claims.

Summary of the Invention

The present invention is directed at determining whether a software application is validly installed on a target computer. In order to do so, a validation manifest is used. A validation manifest includes validation actions the results of which, when carried out with regard to the

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software application, can be used to determine whether the software application is validly installed on the target computer.

The validation actions can comprise any number of different actions, each of which can be specifically tailored to its associated software application. Indeed, the validation actions include activities such as executing a program or library module associated with the software application and/or comparing various aspects of the software application and target computer environment, each of which provides results that can be used to determine whether the software application is installed validly and correctly. The validation actions may also include information for installing the software application validly onto the target computer.

Unlike simply determining whether a particular file is corrupted or not, the present invention provides flexibility to look at a variety of aspects related to whether or not a software application is validly installed. Moreover, comparisons may involve more than simply a pure equivalence, which is required when a hash value is generated for a data file and compared to a previous value. Indeed, comparisons may include less than, greater than, equal to, or a combination of them all.

Summary of Ferchau

Ferchau purportedly discloses a portable cryptographic device that holds security logic that, when executed with regard to a data file on a computer, generates a resultant validation value. The resultant validation value is then compared to a previously generated validation value to determine whether or not the data file has been compromised. The device also may store a list of data files to be validation as well as previously generated validation values for the data files.

While Ferchau purportedly can determine whether or not a particular file has been compromised, Ferchau fails to disclose a validation manifest describing validation actions, which

validation actions, when executed, provide results for determining whether or not a software application is validly installed on a target computer.

35 U.S.C. § 102(b) Rejections

Claim 1

As amended, Claim 1 reads as follows:

A computer-implemented method for determining whether a software application is properly installed on target computer, comprising:

obtaining a validation manifest **from the software provider of the software application** for validating the installation of the software application, the validation manifest comprising validation actions for determining whether the software application is properly installed on the target computer;

executing the validation actions in the validation manifest; and

based on the results of the executed validation actions, determining whether the software application is properly installed on the target computer.

Support for the amendment to Claim 1 is found in the specification on page 7, in the paragraph that begins with line 13.

Applicants submit that Ferchau fails to disclose obtaining a validation manifest that is "from the software provider of the software application for validating the installation of the software application," as recited in Claim 1. Indeed, while Ferchau's portable cryptographic device may be used to validate whether a file has been corrupted/modified, there is nothing in Ferchau that discloses a validation manifest obtained "from the software provider of the software application for validating the installation of the software application."

The fact that Ferchau fails to disclose a validation manifest, let alone a validation manifest from the software provider is illustrated in the following: a problem arises with regard

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to Ferchau in that Ferchau discloses generating a verification value for a file on the target computer after that file has been installed. However, under Ferchau, **there is no guarantee that the installed file was validly installed.** Indeed, in Ferchau there is no manifest to execute to determine whether a software application is validly installed. Indeed, Ferchau is only able to determine whether that file has been "corrupted" from a version it first encountered. In contrast, when a software application is made available by a software vendor, the software vendor, not a cryptographic device attached to a computer, is in the best position to provide the necessary instructions to validate whether the files of a software application were validly installed. For this reason, a validation manifest is provided from the software provider of the software application with the software application, as recited in Claim 1.

As set forth in the M.P.E.P. § 2131, to anticipate a claim, the cited reference must teach every element of the claim. Indeed, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Ferchau fails to teach "obtaining a validation manifest from the software provider of the software application for validating the installation of the software application." Thus, a *prima facie* case of anticipation cannot be made with regard to Ferchau. Therefore, applicants respectfully request that the 35 U.S.C. § 102(b) be withdrawn and the claim allowed.

Claims 2-12

Claims 2-12 depend from independent Claim 1. As Claim 1 is in condition for allowance, applicants submit that dependent Claims 2-12 are also in condition for allowance and request that the 35 U.S.C. § 102(b) rejections be withdrawn, and the claims allowed.

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Claim 13

As amended, independent Claim 13 recites the following:

A system for validating whether a software component is properly installed on a target computer, the system comprising:

a processor; and

a memory, the memory storing and software application, and further storing a validation module, wherein the validation module:

obtains a validation manifest associated with the software application **from the provider of the software application, the validation manifest comprising a plurality of validation actions** for determining whether the software application is properly installed on the target computer;

executes each validation action in the validation manifest; and

based on the results of the executed validation actions, determines whether the software application is properly installed on the target computer.

Support for the amendment to Claim 13 is found in the specification on page 7, in the paragraph that begins with line 13, and in Figure 4 (showing a plurality of validation actions associated with determining whether a software application is validly installed on a target computer.)

As recited above, applicants submit that Ferchau fails to disclose obtaining a validation manifest "**from the provider of the software application,**" as recited in Claim 13. Indeed, irrespective of whether Ferchau discloses a "list of data files", Ferchau, paragraph [0048], this list of data files is not obtained "**from the provider of the software application,**" as recited in Claim 13.

Applicants further point out that Ferchau fails to disclose a validation manifest comprising "**a plurality of validation actions** for determining whether the software application

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is properly installed on the target computer." Indeed, Ferchau discloses a single action: generating a hash value for a given file. While a hash value may be one of the actions used to validate a part of a software application, Ferchau fails to disclose a plurality of validation actions to determine whether a software application is validly installed.

As recited above in regard to the M.P.E.P. § 2131, in order to anticipate a claim, the cited reference must teach every element of the claim. Ferchau fails to disclose each and every element of amended independent Claim 13. Accordingly, a *prima facie* case of anticipation can not be made against Claim 13 and applicants respectfully request that the 35 U.S.C. § 102(b) of Claim 13 be withdrawn and the claim allowed.

Claims 14-24

Claims 14-24 depend from independent Claim 13. As Claim 13 is in condition for allowance, applicants submit that dependent Claims 14-24 are also in condition for allowance and request that the 35 U.S.C. § 102(b) rejections be withdrawn, and the claims allowed.

Claim 25

As amended, independent Claim 25 recites the following:

A networked computing environment for validating whether a software application is properly installed on a client computer, the system comprising:

a client computer upon which the software application is installed; and

an administrator computer, the administrator computer operable to:

obtain a validation manifest from the provider of the software application, the validation manifest comprising validation actions for determining whether the software application is properly installed on the client computer, each validation action comprising a computer-executable action for determining at least one aspect of whether the software application is properly installed on the client computer, data for use in the computer-executable action, and a result value indicative of whether at least the one aspect of the software application is properly installed on the client computer;

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carry out the validation actions in the validation manifest; and
based on the results of carrying out the validation actions,
determine whether the software application is properly installed on the
client computer.

Support for the amendment to Claim 25 is found in the specification on page 7, in the paragraph that begins with line 13, and also on page 7, in the paragraph that begins with line 23.

As suggested above in regard to Claim 1, applicants submit that Ferchau fails to disclose obtaining **"a validation manifest from the provider of the software application,"** as recited in Claim 25. Applicants therefore refer to the remarks above.

Applicants further submit that Ferchau fails to disclose that **"each validation action comprising a computer-executable action for determining at least one aspect of whether the software application is properly installed on the client computer, data for use in the computer-executable action, and a result value indicative of whether at least the one aspect of the software application is properly installed on the client computer."** Applicants point out that the "one or more data files" referred to in paragraph [0048] fail to conform to the three part validation actions recited in Claim 25: an executable action, data for use in the executable action, and a result value. Indeed, the one or more data files cannot be "a result value" since the data files are created at the time that the cryptographic device is generated.

In view of the above, applicants submit that Ferchau fails to disclose each and every element of amended independent Claim 25. Accordingly, a *prima facie* case of anticipation cannot be made and applicants respectfully request that the 35 U.S.C. § 102(b) of Claim 25 be withdrawn and the claim allowed.

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Claims 26-36

Claims 26-36 depend from independent Claim 25. As Claim 25 is in condition for allowance, applicants submit that dependent Claims 26-36 are also in condition for allowance and request that the 35 U.S.C. § 102(b) rejections be withdrawn, and the claims allowed.

Claim 37

As amended, independent Claim 37 recites the following:

A computer-readable medium having computer-readable instructions which, when executed, carry out the method comprising:

obtaining a validation manifest associated with the software application from the software application provider, the validation manifest comprising validation actions for determining whether the software application is properly installed on the target computer;

executing the validation actions in the validation manifest; and

based on the results of the executed validation actions, determining whether the software application is properly installed on the target computer.

Support for the amendment to Claim 37 is found in the specification on page 7, in the paragraph that begins with line 13.

Applicants submit that the arguments set forth above in regard to Claim 13, particularly in regard to "**obtaining a validation manifest associated with the software application from the software application provider,**" are similarly applicable to Claim 37. Accordingly, in view of the arguments and remarks set forth above, applicants submit that Ferchau fails to disclose each and every element of independent Claim 37, and request that the 35 U.S.C. § 102(b) rejection be withdrawn and the claim allowed.

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Claims 38-48

Claims 38-48 depend from independent Claim 37. As Claim 37 is in condition for allowance, applicants submit that dependent Claims 38-48 are also in condition for allowance and request that the 35 U.S.C. § 102(b) rejections be withdrawn, and the claims allowed.

Claim 49

As amended, independent Claim 49 recites the following:

A computer implemented method for determining whether a plurality of software applications are properly installed on a target computer, the method comprising:

identifying a plurality of software applications installed on the target computer; and

for each identified software application:

obtaining a validation manifest associated with the software application **from the provider of the software application**, the validation manifest comprising validation actions for determining whether the software application is properly installed on the target computer, **wherein each validation action in the validation manifest comprises a token corresponding to a computer-executable action, data for use by the computer-executable action in validating the software application, and an expected result of the computer-executable action indicative of a valid installation;**

executing the validation actions in the validation manifest;
and

based on the results of the executed validation actions, determining whether the software application is properly installed on the target computer.

Reference is made to the discussions above that Ferchau fails to disclose obtaining a validation manifest from the provider of the software application.

Applicants further submit that Ferchau fails to disclose that **"each validation action in the validation manifest comprises a token corresponding to a computer-executable action,**

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data for use by the computer-executable action in validating the software application, and an expected result of the computer-executable action indicative of a valid installation."

Applicants point out that the "one or more data files" referred to in paragraph [0048] fail to conform to the three part validation actions recited in Claim 49: an executable action, data for use in the executable action, and a result value. Indeed, the one or more data files cannot be "a result value" since the data files are created at the time that the cryptographic device is generated.

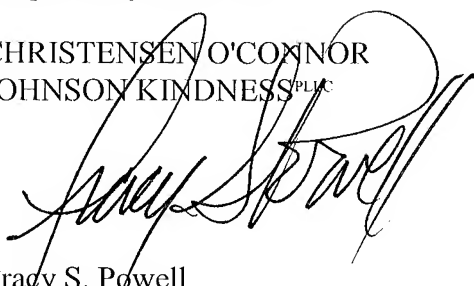
In view of the above, applicants submit that Ferchau fails to disclose each and every element of amended independent Claim 49. As Ferchau fails to disclose each and every element of Claim 49, the claim is not anticipated. M.P.E.P. § 2131. Therefore, applicants respectfully request that the 35 U.S.C. § 102(b) of Claim 49 be withdrawn and the claim allowed.

CONCLUSION

In view of the above remarks, applicants respectfully submit that the present application is in condition for allowance. Reconsideration and reexamination of the application, and allowance of the claims at an early date, are solicited. If the Examiner has any questions or comments concerning the foregoing response, the Examiner is invited to contact the applicants' undersigned attorney at the number below.

Respectfully submitted,

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